

ORDINANCE NO. 71-21

ORDINANCE AMENDING ORDINANCE 85-11 AND APPROVING THE HUMAN RESOURCES POLICIES FOR NON-UNIFORMED EMPLOYEES RELATING TO CERTAIN POLICIES

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: Section I, Subsection B and Subsection B(2), of the Human Resources Policies for Non-Uniformed Employees is amended to read as follows:

B. The provisions of this policy will be applied equally to all employees and applicants without regard to race, color, religion, sex, national origin, handicap or disability, or status as a Vietnam era, special disabled or other veteran who served on active duty during a war campaign in accordance with federal laws. In addition, the provisions of this policy will apply equally to all employees and applicants without regard to sexual orientation or gender identity, and the City of Fort Smith will comply with all applicable State of Arkansas laws governing nondiscrimination in employment. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, demotion, discipline, termination, layoff, recall, transfer, leave of absence, compensation and training.

1. To further the principle of equal opportunity for all, the City of Fort Smith has voluntarily developed an affirmative action policy for minorities and women, the handicapped or disabled, and Vietnam era, special disabled or other veterans or those who served on active duty during a war campaign.
2. The City of Fort Smith expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, handicap or disability, sexual orientation, gender identity, or status as a Vietnam era, special disabled or other war campaign veteran. Improper interference with the ability of City employees to perform their expected job duties will not be tolerated.

SECTION 2: Section I, Subsection C(1) and Subsection C(1)(b), of the Human Resources Policies for Non-Uniformed Employees is amended to read as follows:

C. All City employees must be treated equally in their terms and conditions of employment. The harassment of any employee is contrary to this and may be considered a violation of federal law and will be considered justification for disciplinary or other appropriate action. This applies to all employees, supervisors, agents and nonemployees who have contact with employees during working hours. The following defines harassment and outlines the method by which it should be reported:

1. Harassment is any annoying, persistent act or action that singles out an employee to that employee's objection or detriment, because of, but not limited to, race, sex, religion, ancestry, national origin, age, physical disability, mental conditions, marital status, sexual orientation or gender identity. Harassment may include any of the following:

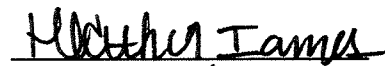
- a. Verbal abuse or ridicule. This includes epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments.
- b. Interference with an employee's work. This includes physical contact such as assault, blocking normal movement, or interference with work directed at an individual because of his/her race, color, religion, sex, national origin, age, handicap or disability, sexual orientation, gender identity or status as a Vietnam era, special disabled or other war campaign veteran.
- c. Displaying or distributing sexually offensive or racist materials. This includes derogatory posters, cartoons, drawings or gestures.
- d. Discriminating against any employee in work assignment or job-related training.
- e. Unwelcome intimate physical contact.
- f. Making offensive innuendoes.
- g. Demanding favors (sexual or otherwise), explicitly or implicitly, as a condition of employment, promotion, transfer, or any other term or condition of employment.
- h. Retaliation for having reported harassment or cooperating with an investigation.

This Ordinance adopted this 20 day of July, 2021

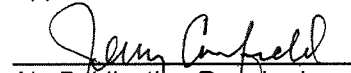
APPROVED:


Mayor

ATTEST:


City Clerk, acting

Approved as to Form


No Publication Required